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10 UNITED STATES DISTRICT COURT FOR THE
11 EASTERN DISTRICT OF WASHINGTON
12 HONORABLE ROSANNA MALOUF PETERSON

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 vs.

16 OSCAR CHAVEZ-GARCIA,
17 Defendant
18

No. CR-21-6028-RMP-2
MOTION TO CONTINUE and
EXPEDITE

PRETRIAL CONFERENCE:
OCT 19, 2021 9:00 AM

19
20 TO: Vanessa Waldref, United States Attorney E.D.WA

21 Stephanie Van Marter, Assistant United States Attorney E.D.WA

22 **I. Motion**

23 Defendant, Oscar Chavez-Garcia, moves the Court to continue the
24 trial date currently scheduled for November 8, 2021 and pretrial date of
25

Motion to Continue

1 October 19, 2021. An extension of time of at least ninety days is requested
2 based on the memorandum contained herein.

3 **II. Memorandum**

4 Mr. Chavez-Garcia was arrested August 3, 2021. A Superseding
5 Indictment was filed charging Mr. Chavez-Garcia in Count 1, a violation of
6 21 USC §841(a)(1),(b)(1)(A)(vi)(viii), 846 Conspiracy to Distribute 50
7 Grams or More of Actual (Pure) Methamphetamine and 400 Grams or More
8 of Fentanyl. Mr. Chavez-Garcia is detained in federal custody.

9 Additional time is needed to complete investigation on the case
10 including analysis of discovery already received as well as review of
11 discovery not yet received. Additional time is needed to properly investigate
12 the allegations, interview fact witnesses, and consult with expert witnesses.
13 Undersigned counsel entered a notice of appearance on August 4, 2021.

14 Discussions with AUSA Van Marter indicate that additional
15 voluminous discovery is anticipated to be provided soon including records
16 from several cell phone which may need additional translation.

17 The interests of justice are served by the continuance request. As
18 additional discovery analysis is necessary in order to complete review of
19 the case, there is good cause to grant the continuance. Complete review of
20 the discovery is necessary for effective assistance of counsel in this matter.
21 The ends of justice served by granting the continuance outweigh the
22 interest of the public and the defendant in a speedy trial. 18 U.S.C.
23 §3161(h)(7)(A). It is also requested that the motion be expedited.

24 For the reasons contained herein, it is requested that both trial and
25 pretrial be continued in this matter. AUSA Van Marter has been contacted

1 and does object to the continuance request. Mr. Chavez-Garcia has been
2 advised of his right to a speedy trial and will provide the appropriate waiver.

3
4 Respectfully Submitted this 18th day of October, 2021.

5 s/ Roger J. Peven
6 WA 6251
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CERTIFICATE OF SERVICE

1 I hereby certify that on October 18, 2021, I electronically filed the
2 foregoing with the Clerk of the Court using the CM/ECF System which will
3 send notification of such filing to the following: Stephanie Van Marter,
4 Assistant United States Attorney.

5 s/ Roger J. Peven
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